

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

EMPOWER OVERSIGHT
WHISTLEBLOWERS & RESEARCH,

Plaintiff,

v.

NATIONAL INSTITUTES OF HEALTH,

Defendant.

Case No. 1:21-cv-1275 (LMB/JFA)

DECLARATION OF MICHAEL LAUER, M.D.

I, Michael Lauer, M.D., declare as follows:

1. I am the Deputy Director for Extramural Research at the National Institutes of Health (“NIH”). I have held this position with NIH since September 2015.

2. The purpose of this declaration is to provide context as to why NIH redacted the names of the researchers who submitted sequences to the Sequence Read Archive, and later requested those sequences be withdrawn, as well as the name of the curator of the Sequence Read Archive, an NIH employee.

3. I make this Declaration based upon my personal knowledge and information available to me in my official capacity.

4. By way of background, I received my medical degree from Albany Medical College. I interned in medicine at Massachusetts General Hospital and Harvard Medical School, served my residency in medicine at Massachusetts General Hospital and Harvard Medical School, and was a Clinical Fellow in Medicine (Cardiology), Harvard Medical School and Beth Israel Hospital in Boston. I also served as a Research Fellow in the Framingham

Heart Study at Boston University Medical School in Framingham, Massachusetts. I am a board-certified cardiologist, an elected member of the American Society of Clinical Investigation, and an elected fellow of the American College of Cardiology and the American Heart Association.

5. Until 2007, among other leadership roles I served as a Professor of Medicine, Epidemiology, and Biostatistics at the Cleveland Clinic's Lerner College of Medicine of Case Western Reserve University.

6. I joined NIH in 2007, first as the Director of the Division of Prevention and Population Science at the National Heart, Lung, and Blood Institute ("NHLBI") and then as the Director of the Division of Cardiovascular Sciences at the NHLBI. In 2012, I received the Arthur S. Fleming Award for exceptional service in Federal Government.

7. In 2015, I became the Deputy Director for Extramural Research at NIH. The Office of Extramural Research is part of the Office of the NIH Director. The Office of Extramural Research "provides the corporate framework for the NIH research administration and works to ensure the scientific integrity, public accountability, and effective stewardship of the NIH research grant portfolio." Office of the Director, NIH, <https://www.nih.gov/about-nih/what-we-do/nih-almanac/office-director-nih> (last visited Sept. 15, 2022).

8. Among my many duties, I am responsible for addressing the abusive behavior targeting NIH staff that interacts with grantees, or in a third-party research institutions that have projects funded by NIH grants. Since 2018, I have personally handled over 500 such cases of alleged abusive behavior. Though the majority of these cases involved individuals who had research funded by NIH, a small number of these cases did involve harassment from members of the public at large.

9. I have personally been on the receiving end of some abusive messages, mostly from disappointed scientists whose research was not funded. But I also have received similar messages from the public at large.

10. Abusive behavior—whether it is intimidating messages or phone calls, or something more severe and pervasive like a hostile work environment—has negative consequences in the scientific community. I am aware of several instances of junior scientists who have quit their careers in science due to harassment. These are individuals who could have had decades of outstanding work ahead and their contributions to scientific advancement are lost to society.


11. As I wrote recently, such abusive behavior, when directed at NIH staff, is disruptive and potentially affects the ability of NIH staff to conduct mission-critical work. *See* Michael Lauer, M.D., *Case Study in Research Integrity: You Can Disagree, Without Being Disagreeable*, EXTRAMURAL NEXUS, <https://nexus.od.nih.gov/all/2022/09/14/case-study-in-research-integrity-you-can-disagree-without-being-disagreeable/> (Sept. 14, 2022).

12. I am concerned that in this current environment, increased dissemination of contact information for NIH employees would increase their vulnerability to abusive behavior from members of the public.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the foregoing to be true and correct, to the best of my knowledge, information and belief.

Executed this 15th day of September, 2022.

Michael S.
Lauer -S

 Digitally signed by Michael
S. Lauer -S
Date: 2022.09.15 16:08:48 Z

MICHAEL LAUER, M.D.